

REMARKS/ARGUMENTS

A. Status of the Claims

Claims 1-34 were originally filed. Claims 1-34 are currently pending.

Claims 1, 17, 23, 29 and 32 are amended to recite the plurality of first and second threads each comprises at least two threads, thereby incorporating the elements of claims 5, 18 and 24. Therefore, claims 5, 18 and 24 are canceled without prejudice. Claims 1, 17, 23, 29 and 32 are also amended to recite the plurality of first and second threads are each discontinuous. Support for this amendment may be found, for example, on paragraph [0010], FIGs. 1 and 2 of the specification. Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

B. Under 35 U.S.C. § 102(b)

Over Sherlock

Claims 1-4, 14-17, 23, 29 and 32-34 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sherlock (U.S. Pat. No. 3,128,005). The Examiner has cited this reference because it allegedly discloses a specific thermoplastic container. Applicants respectfully traverse. Applicants submit that Sherlock is missing at least two elements which are present in Applicants' currently pending claims.

To render a claim unpatentable as anticipated, the prior art reference must teach each and every element of the claim. See, e.g., M.P.E.P. 2131.

For the sole purpose of expediting prosecution, Applicants have amended independent claims 1, 17, 23, 29 and 32 to recite that the plurality of first threads are discontinuous and that the plurality of first threads comprises at least two threads. Additionally, Applicants have amended independent claims 1, 17, 23, 29 and 32 to recite that the plurality of second threads are discontinuous and that the plurality of second threads comprises at least two threads. One major advantage of having a plurality of threads that is discontinuous is that it makes it easier to close the lid because one can start the engagement of the lid threads to the tub threads at multiple locations around the circumference. A second major advantage of having a plurality of threads

that is discontinuous is that it thermoforms the parts without having multiple undercuts where the threads would normally overlap, thereby making it easier to open the lid. A third major advantage of having a plurality of threads that is discontinuous is that it minimizes leakage.

In contrast, Sherlock fails to teach or disclose multiple threads. In fact, Sherlock discloses a single thread around the closure member. See FIG. 3 and Col. 1, line 58. Furthermore, Sherlock does not teach or disclose that multiple threads may be used. Since Sherlock is missing this element of Applicants' invention, an anticipation rejection cannot be maintained.

Furthermore, Sherlock fails to teach or disclose that the plurality of first threads and the plurality of second threads are discontinuous. Sherlock clearly discloses a continuous thread around the container. See Col. 1, line 58 ("...any two adjacent convolutions of the thread...") and FIG. 3. Since Sherlock is missing this element of Applicants' claimed invention, an anticipation rejection cannot be maintained.

Therefore, Applicants respectfully request that this rejection be withdrawn.

Over Morris

Claims 1-4, 14-17, 23, 29 and 32-34 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Morris et al. (U.S. Pat. No. 6,170,691)("Morris"). The Examiner has cited this reference because it allegedly discloses a specific thermoplastic container. Applicants respectfully traverse. Applicants submit that Morris is missing at least two elements which are present in Applicants' currently pending claims.

For the sole purpose of expediting prosecution, Applicants have amended independent claims 1, 17, 23, 29 and 32 to recite that the plurality of first threads are discontinuous and the plurality of first threads comprises at least two threads. Additionally, Applicants have amended independent claims 1, 17, 23, 29 and 32 to recite that the plurality of second threads are discontinuous and the plurality of second threads comprises at least two threads.

In contrast, Morris fails to teach or disclose the plurality of first threads and the plurality of second threads each comprise at least two threads. In fact, Morris discloses a container

member having a first thread and a lid having a second thread. See Col. 2, lines 7-9. Morris, however, does not teach or disclose that the first and second threads are a plurality of threads in which each plurality of first threads and plurality of second threads comprise at least two threads. Since Morris is missing this element of Applicants' invention, an anticipation rejection cannot be maintained.

Furthermore, Morris fails to teach or disclose that the first and second threads are discontinuous. Morris clearly discloses a single continuous thread around the container. See FIGs. 3 & 5. Since Morris is missing this element of Applicants' claimed invention, an anticipation rejection cannot be maintained.

Therefore, Applicants respectfully request that this rejection be withdrawn.

C. Under 35 U.S.C. § 103(a)

Over Morris in view of Russell

Claims 5-7, 12-13, 18 and 24 are rejected under 35 U.S.C. §103(a), as being allegedly unpatentable over Morris in view of Russell et al. (U.S. Pat. No. 6,123,212)("Russell").

In order to establish a *prima facie* case of obviousness, the Examiner must demonstrate that 1) the references teach all the claimed elements; 2) there is a suggestion or motivation in the prior art to modify or combine the reference teachings; and 3) there is a reasonable expectation of success. MPEP § 2143; In re Vaeck 20 USPQ2d 1438 (Fed. Cir. 1991). For the reasons described below, the cited references fail to establish a *prima facie* case of obviousness and Applicants respectfully traverse.

(1) Morris and Russell fail to teach all of the elements

Morris fails to teach that the plurality of first and second threads are each discontinuous and that each comprise at least two threads. Morris is discussed above. Applicants' claimed invention discloses that the thread formation extends about the closure less than 360°. See FIGs. 1 and 2 of the specification. In contrast, Russell discloses that thread formation preferably extends about the closure at least 360°, and preferably more than 360°, so

that the thread formation overlaps itself. See Col. 4, lines 47-50. Furthermore, Applicant's claimed invention does not provide for rotation-inhibiting projections which are positioned adjacent to the internal thread formation. In contrast, Russell discloses the use of rotation-inhibiting projections adjacent to the internal thread formation which facilitates gas removal. See abstract.

Since Morris fails to disclose that the plurality of first and second threads are each discontinuous and that each comprise at least two threads and Russell fails to disclose that the thread formation extends about the closure less than 360°, and these are elements of Applicant's invention, Morris and Russell fail to teach all of the claimed elements of Applicant's invention. Therefore, a *prima facie* case obviousness rejection cannot be maintained.

(2) There is no suggestion or motivation to modify teachings of the reference

Morris fails to suggest that the plurality of first and second threads can be discontinuous. Furthermore, Morris fails to suggest the plurality of first and second threads comprise at least two threads. Russell fails to suggest that thread formation should be extended less than 360°. Moreover, Russell fails to suggest that its invention could function properly without rotation-inhibiting projections. Therefore, a *prima facie* case of obviousness cannot be maintained.

(3) Morris and Russell do not provide a reasonable expectation of success

Morris and Russell also fail to provide a reasonable expectation of success in performing Applicant's invention. As mentioned earlier, there is nothing in Morris that suggests that the plurality of first and second threads can be discontinuous. Furthermore, Morris fails to suggest the plurality of first and second threads comprise at least two threads. Russell fails to suggest to that thread formation should be extended less than 360°. Moreover, Russell fails to suggest that its invention could function properly without rotation-inhibiting projections. Therefore, Morris and Russell offer no guidance to one of ordinary skill in the art regarding the plurality of first and second threads being discontinuous, the plurality of first and second threads comprising at least two threads and that the thread formation should not extend less than 360°. Therefore, a *prima facie* case of obviousness rejection cannot be maintained.

Because Morris and Russell fail to teach all of the claimed elements, do not contain a suggestion or motivation to modify reference teachings and do not provide a reasonable expectation of success, a prima facie case of obviousness cannot be set forth. Thus, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and reconsideration of the rejections. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,

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/Thomas C. Feix
Thomas C. Feix, Reg. No.: 34,592
Attorney for Applicant(s)
Customer No.: 27019
Telephone: (510) 271-7416
Telefax: (510) 271-1652